

TECHNICAL ASSISTANCE ALERT**February 2004**

Subject: Determining, Documenting, and Verifying Participant Eligibility in the Supportive Housing Program

Background: The Supportive Housing Program (SHP) is authorized by Title IV of the McKinney-Vento Homeless Assistance Act. The purpose of the Act is to provide funds for programs to assist the homeless and to use public resources and programs in a more coordinated manner to meet the critically urgent needs of the homeless.

Therefore, in order for your SHP grant to be in compliance with the Act, grant funds must be used to serve the homeless. It is critical that for each SHP participant file, there is documentation that verifies that the participant met HUD's definition of homeless at the time of intake.

Without adequate documentation, the Department cannot determine if the programs and limited resources it provides are reaching the homeless persons intended to be served by these programs.

Permanent Housing (PH) projects funded under the SHP must serve participants who are homeless and disabled. The disability may be physical or mental, including developmental, or an emotional impairment, including an impairment due solely to alcohol or drug abuse. Persons living with HIV/AIDS are considered disabled for the purposes of these programs.

A grantee must have written verification from a qualified source that the person has a disability. An example of a qualified source would be a physician.

Monitoring: When we conduct a monitoring visit, one of the areas that is always reviewed is program beneficiaries. During this review we make sure that a grantee is serving the same population that is indicated in the initial approved application and technical submission. The application and technical submission are incorporated into the Grant Agreement, and, therefore, guide implementation of the grant.

Significant changes to a project must receive prior HUD approval. Changing the target population is considered a significant change (SHP Regulations, 583.405(a)). If your application stated that you would serve single men who were repeat shelter users, we would look for documentation that assured us that your target population was served.

We also review participant files for documentation related to determining and verifying that program participants were homeless (or homeless and disabled for permanent housing projects) prior to entering your program. We do this by reviewing some or all of the following information available to us:

- Participant program applications
- Intake forms
- Referral forms from other agencies
- Case notes
- Interviews with staff and participants
- Other documentation such as eviction notices, self-certifications, etc.

What We Have Found: In most cases there is sufficient evidence for us to determine that a grantee is serving eligible participants. However, we may request additional information to verify participants' eligibility if all of the required documentation is not evident.

The following are some of our recent monitoring findings related to this program area:

1. Using a checklist on the intake form to determine if the participant is homeless, with no other information attached or included in the file. Please note that this is insufficient documentation.
2. Inconsistent documentation. The participant's application indicated that they stayed at a private address the previous night, the intake form shows the participant was staying on the street, and the case notes indicate that the person was evicted.
3. Serving participants who are at risk of becoming homeless. HUD's definition of homeless does not include persons who are low income, doubled up, living in substandard housing, or are imprisoned or otherwise detained under an Act of the Congress or a State law.

One of the Q's and A's from last year's competition is, "Can a project serve persons at-risk of becoming homeless? The answer from HUD Headquarters is: "No, by law, only those persons who are homeless may be served by the programs under the NOFA. If your organization wants to serve persons "at-risk" of becoming homeless or persons who are "near homeless" it would need to use program funding from other sources. HUD administers the Emergency Shelter Grants program, which can fund homeless prevention activities. A variety of other programs, such as Section 8, CDBG and HOME serve low-income persons who may be at-risk of becoming homeless due to poor housing conditions, overcrowding or other reasons. Contact your local HUD field office for more information on these and other programs."

Therefore, if a potential participant's housing is in jeopardy at the time of intake and the participant remains in the housing as a result of negotiations with family members, friends, or their landlord, this person is not considered homeless. If your agency was involved in assisting this person in retaining their housing, that is considered homeless prevention.

The Department recognizes that homeless prevention is extremely valuable and cost effective; however, the SHP is targeted at persons who lack housing and are staying on the street or in shelters, and by law, SHP resources must serve only those persons.

Tips: While a person who is living in substandard housing is not considered homeless, a person living in housing that has been officially condemned as unfit for human habitation is considered homeless. A copy of the condemnation order or other local notice is sufficient file documentation.

While a person who is living in "doubled-up" housing is also not considered homeless, if a person is being forced out of an overcrowded situation or cannot legally remain in the unit because of lease provisions, and has no other place to go and no resources or support systems, this person is considered homeless. See Number 6 below for required homeless documentation when there is no formal eviction notice.

4. Serving former transitional housing (TH) clients for more than 6 months. In the SHP, grantees are allowed to serve non-disabled transitional housing participants for up to six months after they leave the TH program (SHP Regulations, 583.120(b)). After six months, the person is no longer eligible to receive services paid for with SHP funds.

Tip: If you provide follow-up services using SHP funds, make sure you maintain a log of participants and the length of time that they received follow-up services. This information will also be useful for documenting program outcomes.

5. Lack of referral documentation that verifies homelessness. In some cases we find reference to a particular shelter in the case notes or on the intake form, but there is no referral form from the shelter. In other cases we may find a referral form, but it is a checklist that provides no information about the date the participant was served or their circumstance. We sometimes fund shelters and other agencies that serve low-income persons and non-homeless persons with special needs in addition to persons who are homeless. Therefore, it is important that appropriate referrals are obtained and included in the participant files.

Tip: Make sure the referral form is signed and dated by the appropriate referral staff and that the referral agency is noted on the form if letterhead is not used.

6. Lack of eviction notices: In many cases we see participants who were renting from private landlords and were evicted, but there is no formal eviction notice in the file. HUD does not presume that every person who is evicted is homeless. The standard is that a person is considered to be homeless if the person is being evicted within a week from a private dwelling unit and no subsequent residence has been identified and the person lacks the resources and support networks needed to obtain housing.

In order to meet that standard, HUD requires the following documentation for participants who were evicted:

- (1) Formal eviction proceedings that show that the person was being evicted within the week before receiving homeless assistance,
- (2) Documentation of the income of the participant, and (3) the efforts that were made to obtain housing.

It should also be noted that Five-Day Notices to Evict do not meet this standard if the person retains their housing. At the point the person receives the Five-Day Notice, which serves as a warning to the tenant, that person is at risk of becoming homeless and still has a chance to retain their housing. Please refer to Number 3 above regarding homeless prevention activities.

Where the participant indicates that they were evicted and there is no formal eviction documentation (because the participant was living with family or friends), the participant's file should have sufficient notes describing the participant's situation (where they were living and why they were evicted), their efforts to secure housing, their lack of resources and support networks needed to obtain housing, as well as the grantee's verification of the eviction (possibly by making phone calls or obtaining written statements).

Tip: If formal eviction documentation is not available, try contacting the landlord, who may be willing to provide a written statement regarding the eviction.

7. Not specifying the participant's disability: In some cases we find medical records and physicians' notes in the files, but we are unable to read the writing or determine the participant's disability. If you receive SHP funds for a PH project, you should list the participant's disability somewhere in their file and have documentation to verify it.

Tip: If the participant has a disability as defined in Section 223 of the Social Security Act, they are presumed to be disabled. We would need to see evidence of their SSI or SSD status or some other documentation that shows they are receiving such benefits.

Remedy: If we find that a grantee has used grant funds for a purpose other than as authorized by the Grant Agreement, is in noncompliance with the McKinney-Vento Act or the SHP Regulations, or if there is any other material breach of the Grant Agreement, HUD is authorized to take one or more of the following actions:

1. Issue a warning letter that establishes a date by which corrective actions must be completed and puts a grantee on notice that more serious actions will be taken if the problem is not corrected or is repeated.
2. Direct the grantee to suspend, discontinue, or not incur costs for the affected activity.
3. Direct the grantee to reimburse the program accounts for costs inappropriately charged to the program.
4. Direct the grantee to establish and maintain a management plan that assigns responsibilities for carrying out remedial actions.
5. Direct the grantee to submit progress schedules for completing approved activities.
6. Reduce or recapture the grant.
7. Continue the grant with a substitute grantee of HUD's choosing
8. Other appropriate action including, but not limited to, any remedial action legally available, such as affirmative litigation seeking declaratory judgment, specific performance, damages, temporary or permanent injunctions and any other available remedies.

Recommendations: In order to make sure that you are in compliance with HUD's SHP eligibility requirements, we recommend the following:

1. Before you apply for SHP funds, make sure you understand the program requirements. Read the Notice of Funding Availability, attend satellite broadcasts, review program materials, including question and answer documents, and contact our office if you have questions or need clarification.
2. When you receive SHP funds you will be asked to certify, as part of the conditional approval for your technical submission, that you will serve only homeless persons (or homeless disabled persons for PH) with your SHP funds. Do not provide a written certification to HUD if you have any questions or doubts about your proposed project or target population. Review the SHP regulations that are included with your technical submission and contact our office if you have any questions.
3. After your technical submission is approved a grant agreement will be executed. Signing the grant agreement means that you agree to all of the provisions of the agreement, including the program rules and requirements. Do not sign the grant agreement if you have any questions about its content or meaning. Contact our office if there are issues you would like to discuss before the grant is approved. After the grant agreement is executed HUD will hold a start-up conference for you and your staff. One of the items covered at the conference is complying with participant eligibility requirements. Make sure that relevant staff attend this conference and understand the requirements. Let our office know if there are any concerns that should be addressed before you implement your project and begin serving participants.
4. During the course of your grant, if you or your staff have any questions about a participant's eligibility, contact our office for assistance.

If you would like to change your target population or are having problems implementing the grant as approved, contact our office to discuss the amendment process. If you are proposing a significant change, make sure you receive written approval from our office before implementing the change.

5. Develop systems for your project that incorporate HUD requirements.
 - a. Make sure your intake form requests sufficient information for your staff to determine homeless eligibility. Examples would be: Where did you stay last night? Where were you living before that? How long have you been without housing? What was your last permanent address? Why did you leave? Where did you live before that? Have you

been homeless before? If yes, where did you stay and for how long? Do you have income? Do you have family or friends you could stay with at this time?

- b. Many agencies collect information on participants' psychological, medical, employment, educational, and family history, but little or no information on their housing history. Because housing is a critical issue for persons experiencing homelessness, it is important to obtain information regarding the participant's housing history, including previous rental and homeownership experiences, evictions, and shelter stays as well as housing goals and barriers. This information also will help you document and verify homelessness.
- c. Develop an eligibility verification system that includes the SHP requirements. Meta House, one of our SHP grantees that receives TH and PH funding, has developed a form that is fashioned after the one referenced in the SHP Self-Monitoring Tools. A copy of the form is attached at the end of this Alert.
- d. If your project includes sponsors or sub recipients, make sure they understand the eligibility requirements. It is a grantee's responsibility to assure that each service provider is in compliance. Agencies you subcontract with are welcome to attend HUD satellite broadcasts, start-up conferences, and other meetings regarding your project. You should have a written contract with each sub recipient and monitor their performance under that contract to assure compliance.

6. Use available resources:

- a. SHP Regulations
- b. SHP Self-Monitoring Tools
- c. SHP Desk Guide
- d. SNAPSHOTS (Milwaukee HUD Field Office's Homeless Newsletter)
- e. HUD Web
- f. CoC ListServ
- g. Local HUD staff
- h. Technical Assistance Providers
- i. Your peers



Meta House, Inc.
HOMELESSNESS ELIGIBILITY CERTIFICATION

Program (circle one): Residential Transitional Permanent

Participant Name:

SSN:

Type of Homelessness Documentation: Check the appropriate type of documentation used to verify homelessness and attach it to this form (See *HUD Eligibility Guide* for more details).

Is the participant **CHRONICALLY HOMELESS?** Yes ☐ No ☐ To be determined through further assessment ☐

A chronically homeless person is an unaccompanied homeless individual with a disabling condition who has **EITHER been continuously homeless for a year or more OR has had at least 4 episodes of homelessness in the past 3 years**. To be considered chronically homeless, persons must have been sleeping in a place not meant for human habitation (e.g., living on the streets) **AND/OR** in an emergency homeless shelter during that time.

Homeless Status	Type of Documentation	Documentation Attached
Persons coming from living on the street (and into a place meant for human habitation)	Staff should provide written information obtained from third party regarding the participant's whereabouts, and, then sign and date the statement. (If chronically homeless, provide documentation of 1) duration of one year or more or 2) 4 episodes in past three years). Provide Disability documentation (see below).	
Persons coming from an emergency shelter for homeless persons	Written referral from the agency. (If chronically homeless, provide documentation of 1) duration of one year or more or 2) 4 episodes in past three years). Provide Disability documentation (see below).	
Persons coming from transitional housing for homeless persons	Written verifications to include program residency and homeless status prior to program entry.	
Persons being evicted from a private dwelling	Documentation of income, efforts to obtain housing, why participant would be on street, and either documentation of formal eviction proceedings or statement from family evicting participant.	
Persons from a short-term stay in an institution who previously resided on the street or in an emergency shelter	Written verification from the institution's staff that the participant has been residing in the institution for less than 31 days; and information on the previous living situation.	
Persons being discharged from a longer stay in an institution	Written verification from the institution of discharge within one week of receiving homeless assistance AND documentation of income, efforts to obtain housing, and why person would be homeless without assistance.	
Persons fleeing domestic violence	Written, signed, and dated verification from the participant.	
PERMANENT HOUSING AND/OR CHRONICALLY HOMELESS ONLY	Either 1) written verification of disability from a qualified source (such as a physician, psychiatrist or other certified/licensed mental health professional) or 2) documentation of SSI benefits.	

Details of the client's situation:

Signature:

Title:

Date: